

R E M A R K S

Claims 1-28 are pending in the application. Upon entry of this amendment, claims 1, 19, 20, 22, 24, 27 and 28 will be amended, claims 23 and 26 will be canceled, and claims 29-32 will be added. Thus, claims 1-22, 24-25 and 27-32 will be pending. No new matter is believed added by this amendment. Support for the changes exists in the specification and claims as originally filed.

The title of the application has been changed in view of comments helpfully provided by the Examiner.

All of the pending claims stand rejected under 35 U.S.C. §103 for being anticipated by various combinations references. Applicants respectfully request reconsideration and further examination of the pending claims in view of the arguments presented herein.

Claims 1-21, 24-25 and 27-30

These claims are directed to a base device that is in wireless communication with an event device. The location of the base device is determined, and the base device receives information from the event device. Information is then stored "to enable a subsequent determination of [a] location associated with [an] occurrence of [an] event." By way of example, a base device in a police car might determine it's location using Global Positioning System (GPS) information. Moreover, a police officer's handgun might wirelessly transmit information to the base device when the gun is fired. The base device may then store information in a database to enable a subsequent determination of when and where the shot was fired. For example, this information could later be retrieved and used as evidence at a trial.

The claims stand rejected under 35 USC § 103 as being obvious over US Patent 6,070,078 to Camp, Jr. et al. in view of US Patent 6,445,917 B1 to Bark et al. For some of the dependent claims, additional references are relied upon to supply additional elements.

The '078 patent is directed to a cellular telephone network that determines the location of a base station. The base station then exchanges information with a cellular telephone to determine the phone's current location. The system does not receive information from the phone

when an event occurs, nor is information stored to enable a subsequent determination of a location associated with the occurrence of an event.

According to the Office Action, a server 170 at the base station might receive and store location data relating to the phone. Applicants respectfully disagree. While the server 170 might momentarily store information while performing calculations (*e.g.*, as described with respect to FIG. 4), there is no reason to think that the server 170 stores such information to enable a subsequent determination of where a particular phone was located at a particular time.

The '917 patent is directed to a network in which a device reports certain radio signal-related events to the network. For example, the device might report when a signal's strength has fallen below a pre-determined threshold. As another example, the device might report when a cell has been entered or exited (*e.g.*, so that the network can transition the device to a new cell). This system also does not store information to enable a subsequent determination of a location associated with the occurrence of an event.

Nor is such a feature obvious in view of the references. For example, in the '078 patent there would be no reason to keep a history of where every phone has been at every prior moment in time. In the case of the '917 patent, a history of past radio signal strength transitions would likewise serve no purpose.

Because the references, taken alone or in combination, do not disclose storing information to enable a subsequent determination of a location associated with an occurrence of an event as recited in these claims, Applicants respectfully request that the rejection be withdrawn.

Claims 25 and 29

Claims 25 and 29 further recite that information is stored in an "event occurrence database" to enable a subsequent determination of a location associated with the occurrence of an event. The temporary storage of location information in the '078 patent (and of event information in the '917 patent) at a local register or memory unit while a calculation is performed

should not be considered as storing the information in an "event occurrence database" to allow a subsequent determination of a location associated with the occurrence of an event. Nothing in the portions of the '078 patent cited in the Office Action (FIG. 1; elements 100, 170, and 180; and col. 4, lines 44-65) supports such an interpretation.

This is an additional reason why these claims are allowable.

Claims 18-20

Claims 18-20 are directed to particular types of events that for which a location associated with an occurrence of that type event can be subsequently determined.

For example, claim 18 recites that the event is "a competition event." In this case, storing information in a base device to allow for a subsequent determination of a location associated with an occurrence of a competition event could prevent a competitor from cheating (Specification, page, 2, lines 11-14). According to the Office Action, it is well known that a cell phone can used to play a game. However, there is no suggestion in any reference that a base station might store information such that a location of a competition event could later be determined.

Claim 19 recites that the event is "a medical event," such as when an automatic external defibrillator is used on a patient (Specification, page 7, lines 22-25). Even if a cell phone could be "considered a medical device when used in [a] medical setting" as suggested by the Office Action, there is no suggestion that a base station could store information such that the location of a medical event could later be determined. Such a feature might be useful, for example, if the event device becomes lost or damaged.

Similarly, claim 20 recites that the event is a "security event," and there's no suggestion that a base station could store information such that the location of a security event could later be determined.

These are additional reasons why Applicants respectfully request allowance of these claims.

Claim 22

Claim 22 is directed to a subsequent determination of a location associated with a discharge of a weapon. In particular, an automobile device receives GPS information indicating a location of an automobile associated with the weapon. The automobile device also receives "information from the weapon via a Bluetooth communication, the received information indicating that the weapon has been discharged." Time and location information associated with the discharge of the weapon are then stored to enable a subsequent determination of the time and location of the discharge of the weapon. In this way, a police officer who uses Bluetooth enabled weapon will be able to prove where and when he or she used the weapon.

The claim stands rejected under 35 USC § 103 as being obvious over US Publication Number US 2002/0003470 A1 ("Auerbach") in view of US Publication No. US 2002/0094777 A1 ("Cannon").

Auerbach discloses a gunshot warning system that may be used by police to detect when perpetrator fires a gunshot. In particular, acoustic sensors mounted on a police car detect the sound of a gunshot being fired. A notification of a detected gunshot may then be transmitted via a communication network (e.g., to a police station). Auerbach does not disclose "receiving information from the weapon via a Bluetooth communication" as recited in claim 22.

Cannon generically discloses that devices may communicate GPS information using Bluetooth communications (e.g., in order to prevent unauthorized users outside of a building from accessing a wireless network).

According to the Office Action, it would have been obvious to change the acoustic sensor of claim 22 to a Bluetooth communication device "for the advantage of providing a peer-to-peer communication over a short distance of wireless communication without licensing requirements from a regulatory government autorit[y]." Applicants respectfully disagree. The purpose of the system disclosed in Auerbach is to find and otherwise respond to a perpetrator who fires a gunshot. There is no reason to think that a perpetrator would use a Bluetooth enabled gun that transmits information to devices mounted in police vehicles. Because a perpetrator would be

unlikely to use such a weapon, the system of Auerbach would be rendered unsatisfactory for its intended purpose if it was modified in this way (e.g., the police would be unable to respond to gunshots fired by perpetrators). MPEP 2143.01.

Claims 31-32

In addition to the reasons set forth above with respect to claim 1, newly added claims 31 and 32 recite that the base device receives "a signal from the event device indicating that the user has initiated an event." In contrast, the events reported by the device of '917 patent are related to radio signal characteristics which are not initiated by a user.

Applicants respectfully assert that each of the pending claims is patentable over the cited references. Applicants therefore respectfully request that the Examiner's rejection of the pending claims be withdrawn and that all pending claims be allowed. Applicants' silence with respect to other comments made in the Office Action does not imply agreement with those comments. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-0191.

Respectfully submitted,



April 5, 2004

Date

Patrick J. Buckley
Registration No. 40,928
Buckley, Maschoff & Talwalkar LLC
Five Elm Street
New Canaan, CT 06840
(203) 972-0191